IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 17805 of 2004(T)

PETITIONER:

K.P.CHANDRAN, GOVT. CONTRACTOR,
`CHAITHANYA', KOMMERI P.O., KOZHIKODE-7.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

RESPONDENTS:

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1. THE KOZHIKODE CORPORATION REP. BY ITS SECRETARY, CORPORATION OFFICE, KOZHIKODE.

2. THE KOZHIKODE MUNICIPAL CORPORATION COUNCIL, REP. BY ITS CHAIR PERSON, THE MAYOR OF KOZHIKODE, OFFICE OF THE KOZHIKODE CORPORATION, KOZHIKODE.

BY ADV. SRI.M.P.PRABHANANDAN,SC,KOZHIKODE CORPN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE REPRESENTATION DATED 30.4.2003 FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

EXT.P2 TRUE COPY OF THE COMMUNICATION DATED 4.11.1999 ISSUED FROM THE LEARNED REGISTRAR OF THE HON'BLE SUPREME COURT OF INDIA TO THE REGISTRAR OF THIS HON'BLE COURT.

EXT.P3 TRUE COPY OF THE ORDER OF THE HON'BLE SUPREME COURT OF INDIA IN SLP (CIVIL) (CC 5552/99) DATED 1.11.99

EXT.P4 TRUE COPY OF THE JUDGMENT DATED 9.4.2002 IN OP 5307 OF 2002 OF THIS HON'BLE COURT.

EXT.P5 TRUE COPY OF THE JUDGMENT IN OP 28267 OF 2002 DATED 6.11.2002 OF THIS HON'BLE COURT.

EXT.P6 TRUE COPY OF THE JUDGMENT IN OP NO. 5049 OF 2002 DATED 21.7.2003 OF THIS HON'BLE COURT.

EXT.P7 TRUE COPY OF THE REPRESENTATION DATED 31.7.2003 FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT WITH ITS COPY TO THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 17805 OF 2004

Dated this the 6th day of March, 2007

JUDGMENT

The prayer in this Writ Petition is for direction to respondents to give interest for the belated payment of contract amounts. Counsel for the petitioner submitted that in the case of Govt. contrctors this Court has granted interest. I do not think the decision of this Court with regard to Govt.'s liability applies to contract awarded by Municipality. Terms of contract are enforceable through civil court and it is for the petitioner to file suit before the civil court, if the petitioner's claim for interest is tenable under the contract. W.P. is closed.

(C.N.RAMACHANDRAN NAIR)
Judge